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OFFICE OF PETITIONS

**Workman Nydeggar
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111**

In re Application of :
Todd D. WAKEFIELD et al. : DECISION GRANTING PETITION
Application No. 10/729,388 : UNDER 37 CFR 1.137(b)
Filed: December 5, 2003 :
Atty. Docket No.: 17354.4.7 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the final Office action mailed February 7, 2007, which set a shortened statutory reply period of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application thus became abandoned on May 8, 2007, with notification mailed September 12, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

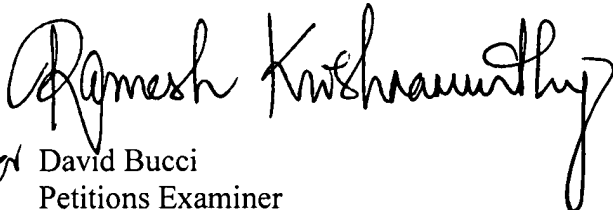
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE), RCE fee, and response, (2) a petition fee of \$770, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR

10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center AU 2165 for further action on the filed Response.


for David Bucci
Petitions Examiner
Office of Petitions